

Senate Bill No. 1049

CHAPTER 587

An act to amend Sections 1752.1, 1752.2, 1752.5, and 2607.5 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1049, Committee on Business, Professions and Economic Development. Healing arts.

(1) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists by the Dental Board of California and dental auxiliaries by the Committee on Dental Auxiliaries.

Existing law, until January 1, 2009, requires the board to license as a registered dental assistant a person who files an application prior to September 1, 2007, and submits specified written evidence of either graduation from a specified educational program or specified work experience that is satisfactory to the board. Under existing law, on and after September 1, 2007, a person may apply for and be issued a license as a registered dental assistant by providing evidence of either completion of a specified educational program or specified work experience and the completion of 3 board-approved specialty registration courses.

This bill would instead extend the existing licensure requirements, until January 1, 2011, with respect to a person who files an application prior to September 1, 2009, and would delay the modified licensure requirements for registered dental assistants to September 1, 2009. The bill would make related changes to those provisions.

(2) Existing law provides for the licensure and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California. Existing law authorizes the board to appoint a person exempt from civil service to serve as an executive officer. This provision will become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make that provision inoperative on July 1, 2013, and would repeal it on January 1, 2014.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 1752.1 of the Business and Professions Code is amended to read:

1752.1. (a) The board shall license as a registered dental assistant a person who files an application prior to September 1, 2009, and submits written evidence, satisfactory to the board, of either one of the following requirements:

(1) Graduation from an educational program in dental assisting approved by the board, and satisfactory performance on written and practical examinations required by the board.

(2) Satisfactory work experience of more than 12 months as a dental assistant in California or another state and satisfactory performance on a written and practical examination required by the board. The board shall give credit toward the 12 months work experience referred to in this subdivision to persons who have graduated from a dental assisting program in a postsecondary institution approved by the Department of Education or in a secondary institution, regional occupational center, or regional occupational program, that are not, however, approved by the board pursuant to subdivision (a). The credit shall equal the total weeks spent in classroom training and internship on a week-for-week basis not to exceed 16 weeks. The board, in cooperation with the Superintendent of Public Instruction, shall establish the minimum criteria for the curriculum of nonboard-approved programs. Additionally, the board shall notify those programs only if the program's curriculum does not meet established minimum criteria, as established for board-approved registered dental assistant programs, except any requirement that the program be given in a postsecondary institution. Graduates of programs not meeting established minimum criteria shall not qualify for satisfactory work experience as defined by this section.

(b) In addition to the requirements specified in subdivision (a), each applicant for registered dental assistant licensure on or after July 1, 2002, shall provide evidence of having successfully completed board-approved courses in radiation safety and coronal polishing as a condition of licensure. The length and content of the courses shall be governed by applicable board regulations.

(c) An applicant who fails to pass the written and practical examinations required by this section on or before June 30, 2010, shall not be eligible for further reexamination and must apply for and meet the requirements for registered dental assistant licensure specified in Section 1752.5. Between September 1, 2009, and June 30, 2010, an applicant shall only be allowed to apply to take the written examination two times, and shall only be allowed to apply to take the practical examination two times.

(d) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 2. Section 1752.2 of the Business and Professions Code is amended to read:

1752.2. (a) A board-approved educational program in registered dental assisting, as provided in subdivisions (a) and (b) of Section 1752.5, is a program that has met the requirements for approval pursuant to board regulations.

(b) An educational program in registered dental assisting that has been approved by the board prior to January 1, 2010, to teach the duties that a registered dental assistant was allowed to perform pursuant to board regulations prior to January 1, 2010, shall continue to be so approved on and after January 1, 2010, if it has certified no later than November 30, 2009, on a form specified by the board, that it shall provide instruction in all duties that registered dental assistants shall be allowed to perform on and after January 1, 2009, with the exception of adding drugs, medications, and fluids to intravenous lines using a syringe.

(c) The board may at any time conduct a thorough evaluation of an approved educational program's curriculum and facilities to determine whether the program meets the requirements for approval as specified in board regulations.

SEC. 3. Section 1752.5 of the Business and Professions Code is amended to read:

1752.5. On and after September 1, 2009, a person may apply for and be issued a license as a registered dental assistant upon providing evidence to the board of one of the following:

(a) Successful completion of an educational program in registered dental assisting approved by the board on or after January 1, 2008, to teach all of the functions specified in Section 1750.3.

(b) Successful completion of:

(1) An educational program in registered dental assisting approved by the board to teach the duties that registered dental assistants were allowed to perform pursuant to board regulations prior to January 1, 2010.

(2) A board-approved course or courses in the following duties:

(A) Selecting, prepositioning, curing in a position approved by the supervising dentist, and removal of orthodontic brackets.

(B) Monitoring of patients during the preoperative, intraoperative, and postoperative phases.

(i) For purposes of this subparagraph, patient monitoring includes the following:

(I) Selection and validation of monitoring sensors, selecting menus and default settings and analysis for electrocardiogram, pulse oximeter and capnograph, continuous blood pressure, pulse, and respiration rates.

(II) Interpretation of data from noninvasive patient monitors including readings from continuous blood pressure and information from the monitor display for electrocardiogram waveform, carbon dioxide and end tidal carbon dioxide concentration, respiratory cycle data, continuous noninvasive blood pressure data, and pulse arterial oxygen saturation measurements, for the purpose of evaluating the condition of the patient during preoperative, intraoperative, and postoperative treatment.

(ii) For purposes of this subparagraph, patient monitoring does not include the following:

(I) Reading and transmitting information from the monitor display during the intraoperative phase of surgery for electrocardiogram waveform, carbon dioxide and end tidal carbon dioxide concentrations, respiratory cycle data, continuous noninvasive blood pressure data, or pulse arterial oxygen saturation measurements, for the purpose of interpretation and evaluation by a licensed dentist who shall be at chairside during this procedure.

(II) Placing of sensors.

(C) Adding drugs, medications, and fluids to intravenous lines using a syringe.

(D) Applying pit and fissure sealants.

(c) Successful completion of:

(1) Twelve months of satisfactory work experience as a dental assistant in California or another state. The board shall give credit toward the 12 months of work experience to persons who have graduated from a dental assisting program in a postsecondary institution, secondary institution, regional occupational center, or regional occupation program that are not approved by the board. The credit shall equal the total weeks spent in classroom training and internship on a week-for-week basis not to exceed 16 weeks.

(2) The three board-approved specialty registration courses, as defined in Section 1750.2, for registration as a registered orthodontic assistant, registered surgery assistant, and registered restorative assistant. Any specialty license issued pursuant to paragraph (2) of subdivision (a) of Section 1750.2 shall be deemed to have met the requirements of this subdivision for that specialty.

(3) A board-approved radiation safety program.

SEC. 4. Section 2607.5 of the Business and Professions Code is amended to read:

2607.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall become inoperative on July 1, 2013, and, as of January 1, 2014, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2014, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure continuity in the ongoing operations of the Physical Therapy Board and to ensure the continuity of the existing registered dental assistant provisions, it is necessary that this act take effect immediately.

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